

REMARKS

Upon entry of the above amendment, claims 1-5, 18-20 and 31-38 are pending in the application, with claims 1, 18, 31 and 36 being the independent claims. Claims 1, 5 and 18 are sought to be amended. Claims 6, 7 and 21-23 are sought to be canceled without prejudice or disclaimer. Claims 8-17 and 24-30 are withdrawn from consideration as a result of restriction requirements. New claims 31-38 are sought to be added. Entry and consideration of this amendment is respectfully requested. No new matter is believed to have been introduced by this amendment.

Applicant has made the above amendment to more particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider and withdraw all outstanding rejections.

Election

Applicant affirms the election without traverse made by Ed Taylor on August 24, 2004 to prosecute the invention of Group 1, claims 1-7 and 18-23.

Rejections under 35 U.S.C. § 102(b)

Claims 1-7 and 18-23 are rejected under 35 U.S.C. § 102(b) as being allegedly unpatentable over U.S. Patent No. 4,965,743 to Malin et al. (hereinafter referred to as "Malin"). Claims 6, 7 and 21-23 have been canceled rendering the rejection to these claims

moot. Applicant respectfully traverses these rejections with regard to claims 1-5 and 18-20 since Malin does not appear to teach or suggest each element of amended independent claims 1 and 18 for at least the following reason.

Independent claim 1 has been amended to include the feature of original claim 6 (now canceled). Likewise, independent claim 18 has been amended to include the feature of original claim 22 (now canceled). Independent claims 1 and 18 have also been amended to include the similar feature of wherein the predetermined set of state changes represent coherent units of behavior by the software system. Malin does not appear to teach or suggest this feature. Therefore, for at least this reason, independent claims 1 and 18 (and their dependent claims 2-5, 19 and 20) are patentable over Malin. Accordingly, Applicant requests that the rejections under 35 U.S.C. § 102(b) be reconsidered and withdrawn.

New claims 31-38

New independent claims 31 and 36 (and their dependent claims 32-35, 37 and 38) are patentable over Malin for at least the following reason. Independent claims 31 and 36 include the similar feature of wherein the predetermined set of message events represent coherent units of behavior by the software system. Malin does not appear to teach or suggest this feature. Therefore, for at least this reason, independent claims 31 and 36 (and their dependent claims 32-35, 37 and 38) are patentable over Malin.

CONCLUSION

Applicant respectfully submits that all of the stated grounds of rejection have been properly traversed accommodated or rendered moot. Applicant believes that a full and complete response has been made to the outstanding Office Action. Thus, Applicant believes that the present application is in condition for allowance, and as such, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections, and allowance of this application.

Respectfully submitted,

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